

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 432

FINAL READING

Introduced by Nelson, 6.

Read first time January 20, 2009

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to the Uniform Disposition of Unclaimed
2 Property Act; to amend section 69-1317, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to
4 confidential information and professional finders' fees;
5 and to repeal the original section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 69-1317, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 69-1317 (a)(1) Except as otherwise provided in this
4 subdivision, all funds received under the Uniform Disposition of
5 Unclaimed Property Act, including the proceeds from the sale of
6 abandoned property under section 69-1316, shall be deposited by
7 the State Treasurer in a separate trust fund from which he or
8 she shall make prompt payment of claims allowed pursuant to the
9 act and payment of any auditing expenses associated with the
10 receipt of abandoned property. All funds received under section
11 69-1307.05 shall be deposited by the State Treasurer in a separate
12 life insurance corporation demutualization trust fund, which is
13 hereby created, from which he or she shall make prompt payment of
14 claims regarding such funds allowed pursuant to the act. Transfers
15 from the separate life insurance corporation demutualization trust
16 fund to the General Fund may be made at the direction of the
17 Legislature. Before making the deposit he or she shall record
18 the name and last-known address of each person appearing from the
19 holders' reports to be entitled to the abandoned property, the
20 name and last-known address of each insured person or annuitant,
21 and with respect to each policy or contract listed in the report
22 of a life insurance corporation, its number, the name of the
23 corporation, and the amount due. The record shall be available for
24 public inspection during business hours.

25 The record shall not be subject to public inspection or

1 available for copying, reproduction, or scrutiny by commercial or
2 professional locators of property presumed abandoned who charge
3 any service or finders' fee until twenty-four months after the
4 names from the holders' reports have been published or officially
5 disclosed. Records concerning the social security number, date of
6 birth, amount due, and last-known address of an owner shall be
7 treated as confidential and subject to the same confidentiality as
8 tax return information held by the Department of Revenue, except
9 that the Auditor of Public Accounts shall have unrestricted access
10 to such records.

11 A professional finders' fee shall be limited to ten
12 percent of the total amount of the property presumed abandoned. To
13 claim any such fee, the nature and location of the property must be
14 disclosed to the claimant by the finder.

15 A professional finders' fee shall be limited to ten
16 percent of the total dollar amount of the property presumed
17 abandoned. To claim any such fee, the finder shall disclose to
18 the owner the nature, location, and value of the property, provide
19 notice of when such property was reported to the State Treasurer,
20 and provide notice that the property may be claimed by the owner
21 from the State Treasurer free of charge. To claim any such fee if
22 the property has not yet been abandoned, the finder shall disclose
23 to the owner the nature, location, and value of the property,
24 provide notice of when such property will be reported to the State
25 Treasurer, if known, and provide notice that, upon receipt of the

1 property by the State Treasurer, such property may be claimed by
2 the owner from the State Treasurer free of charge.

3 (2) The unclaimed property records of the State
4 Treasurer, the unclaimed property reports of holders, and the
5 information derived by an unclaimed property examination or audit
6 of the records of a person or otherwise obtained by or communicated
7 to the State Treasurer may be withheld from the public. Any record
8 or information that may be withheld under the laws of this state
9 or of the United States when in the possession of such a person
10 may be withheld when revealed or delivered to the State Treasurer.
11 Any record or information that is withheld under any law of
12 another state when in the possession of that other state may be
13 withheld when revealed or delivered by the other state to the State
14 Treasurer.

15 Information withheld from the general public concerning
16 any aspect of unclaimed property shall only be disclosed to an
17 apparent owner of the property, or to the escheat, unclaimed, or
18 abandoned property administrators or officials of another state if
19 that other state accords substantially reciprocal privileges to the
20 State Treasurer.

21 (b)(1) On or after October 6, 1992, the State Treasurer
22 shall periodically transfer any balance in excess of an amount not
23 to exceed five hundred thousand dollars from the separate trust
24 fund to the General Fund no less frequently than on or before
25 November 1 and May 1 of each year, except that the total amount of

1 all such transfers shall not exceed five million dollars.

2 (2)(i) On the next succeeding November 1 after five
3 million dollars has been transferred to the General Fund in the
4 manner described in subdivision (b)(1) of this section or (ii) on
5 November 1, 1996, whichever occurs first, and on or before November
6 1 of each year thereafter, the State Treasurer shall transfer any
7 balance in excess of an amount not to exceed five hundred thousand
8 dollars from the separate trust fund to the permanent school fund.

9 (3) On July 15, 2003, the State Treasurer shall transfer
10 two hundred thousand dollars from the separate trust fund to the
11 General Fund and one hundred thousand dollars from the separate
12 trust fund to the Treasury Management Cash Fund. On September 15,
13 2004, the State Treasurer shall transfer five hundred thousand
14 dollars from the separate trust fund to the General Fund.

15 (c) Before making any deposit to the credit of the
16 permanent school fund or the General Fund, the State Treasurer may
17 deduct (1) any costs in connection with sale of abandoned property,
18 (2) any costs of mailing and publication in connection with any
19 abandoned property, and (3) reasonable service charges and place
20 such funds in the Unclaimed Property Cash Fund which is hereby
21 created. Transfers from the fund to the General Fund may be made
22 at the direction of the Legislature. Any money in the Unclaimed
23 Property Cash Fund available for investment shall be invested
24 by the state investment officer pursuant to the Nebraska Capital
25 Expansion Act and the Nebraska State Funds Investment Act.

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1 Sec. 2. Original section 69-1317, Reissue Revised
2 Statutes of Nebraska, is repealed.